

REMARKS

Status of the Application

Claims 1-3, 5 and 7-19 are the claims that have been examined in the application. Claims 1, 2, 5, 7, 8, 12-15 and 19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Matsui et al. (U.S. Publication No. 2003/0128273). Claims 3, 9, 11 and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsui et al. (U.S. Publication No. 2003/0128273) as applied to claims 1, 2, 5, 7, 8, 12-15 and 19 above, and further in view of Rashkovskiy et al. (U.S. Patent 6,563,536). Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsui et al. (US Publication No. 2003/0128273) as applied to claims 1, 2, 5, 7, 8, 12-15 and 19 above, and further in view of Aucsmith et al. (U.S. Patent 6,873,723) and Rashkovskiy et al. (U.S. Patent 6,563,536).

By this Amendment, Applicants are amending claims 1, 13 and 14 and are canceling claims 3 and 5.

Prior Art Rejections

Claims 1, 2, 5, 7, 8, 12-15 and 19 stand rejected under 35 U.S.C. § 102(e) as being anticipated by Matsui et al. (U.S. Publication No. 2003/0128273).

Claims 3, 9, 11 and 16-18 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsui et al. (U.S. Publication No. 2003/0128273) as applied to claims 1, 2, 5, 7, 8, 12-15 and 19 above, and further in view of Rashkovskiy et al. (U.S. Patent 6,563,536).

Claim 1 recites, in part, “a processing unit which, ... , performs a process of reducing a difference of at least one of the pair of images other than a geometric difference between image structures corresponding to the parallax of both eyes.” The Examiner continues to allege that Matsui discloses all of the elements of claim 1. Specifically, the Examiner alleges that Matsui discloses reducing an intensity difference, which corresponds to the recited reducing a difference ... other than a geometric difference. Applicants respectfully disagree.

Matsui describes that different video data inputted from a plurality of cameras generates one output video data with a brightness correction. However, the brightness correction disclosed by Matsui is caused by a difference in the exposure control units 1-3 and 1-6, which automatically adjust the lightness balance of the overall frame in the process of image sensing. See paragraph [0121], which describes the apparatus used in embodiment 3 (FIGS. 16-19) of Matsui. Matsui further indicates that the brightness of the corresponding portions of the images are corrected to have the same brightness. However, because the brightness difference between the images is caused by a difference in automatic adjustment of the exposure control units, the brightness difference does not *correspond to the parallax of both eyes*. Rather, the brightness difference is corresponds to a difference in adjustment by the exposure control units in response to the exposure parameters. See also paragraph [0119] of Matsui. Therefore, because the corrected difference in Matsui does not correspond to the parallax of both eyes, Matsui cannot disclose all of the elements of claim 1, and claim 1 is patentable over the applied art.

Further, Applicant has incorporated the subject matter of claim 3 into claim 1. Because the subject matter of claim 3 was rejected under 35 U.S.C. § 103 over a combination of Matsui

and Rashkovskiy, that rejection will now be addressed. Applicants respectfully submit that the subject matter added to claim 1 is patentable over the proposed combination. As noted by the Examiner, Matsui fails to disclose that the “difference other than the geometric difference ... is a noise difference between noise components.” However the Examiner alleges that Rashkovskiy cures this noted deficiency. Applicants respectfully disagree. First, Rashkovskiy fails to cure the deficiency noted in the previous paragraph with regard to Matsui. Second, to the extent that Rashkovskiy describes noise reduction, it is in a video image, that corrects noise from frame to frame that shows a motion of a subject being photographed. Such sequential frames (taken from a stationary point to capture motion) clearly cannot represent parallax in a pair of eyes.

Similarly, the combination of Rashkovskiy and Matsui only corrects for such frame to frame noise effects, not parallax. Thus, the combination proposed by the Examiner fails to disclose all of the elements of claim 1, and claim 1 is patentable over the applied art.

Claims 2, 3, 7-9, 11, 12 and 15-18 are patentable at least by virtue of their dependency from claim 1. Claims 13 and 14 recite similar limitations to claim 1, and should be patentable for reasons analogous thereto. Claim 19 should be patentable at least by virtue of its dependency from claim 13.

Claim 19 is patentable for reasons independent of its dependency. Claim 19 recites “the difference ... is a difference between colors in the pair of images.” The Examiner alleges that the brightness difference disclosed by Matsui corresponds to this element of claim 19. However, a color difference is not comparable to a brightness difference. Matsui makes no reference to

reducing a color difference between images. Therefore, Matsui cannot disclose the elements of claim 19, and claim 19 should be patentable over the applied art.

Claim 10 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Matsui et al. (US Publication No. 2003/0128273) as applied to claims 1, 2, 5, 7, 8, 12-15 and 19 above, and further in view of Aucsmith et al. (U.S. Patent 6,873,723) and Rashkovskiy et al. (U.S. Patent 6,563,536).

Claim 10 is dependent from claim 1. Because Matsui fails to disclose all of the elements of claim 1, and because Aucsmith and Rashkovskiy fail to cure the deficient disclosure of Matsui, claim 10 should be patentable over the applied art at least by virtue of its dependency from claim 1, and also due to the deficiencies of claim 16 and 18 as set forth above.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

AMENDMENT UNDER 37 C.F.R. § 1.114(c)
U.S. Application No.: 10/668,176

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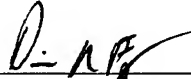
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